

REMARKS

Claims 5, 6 and 7 remain in the application. The claims were again rejected under Section 103 over Schoess (U.S. 6,076,405). In the outstanding office Action the Examiner finds that the Schoess reference converts the electric measurement signal into an evaluation signal in the relatively high spectral range relative to a supply signal. Applicants respectfully disagree because the use by Schoess of a bandpass filter having corner frequencies of 50 kHz and 500 kHz is not at all determinative of the vibration frequencies used to provide a secondary power source as described at col. 8, lines 19-26. Nor does a smoothing filter in combination with the band pass filter 35 result in that which is now claimed:

- (i) a relatively high frequency component providing an evaluation signal in the relatively high spectral range, for suitable evaluation and
- (ii) a relatively low frequency component providing a supply signal in the relatively low spectral range

Further, applicants provide a filter function for separating the electric measurement signal so that the evaluation signal only has frequency components above a threshold value and the supply signal only has frequency components below the threshold value. The Schoess reference does not provide this result. Specifically, there is no basis to conclude that vibrations used as a secondary power source in the Schoess reference do not include components in the frequency range transmitted by the band pass filter. That is, Schoess does not disclose separating high frequency components from low frequency components.

According to claim 5 applicants require "an amplifier positioned after the filter for signal separation in the circuit to amplify the evaluation signal ..." However, at page 3 of the Office Action the rejection implies that, because applicants' specification does not explain benefits concerning placement of the filter and non-amplification of the supply signal, the claimed features carry no weight. There is no basis for such a conclusion. Nor can it be found obvious to rearrange (move) the prior art amplifier (to reconstruct the invention) when the prior art would have no motivation for doing so. The rejection alludes to routine skill, but does not identify any reason for that one would rearrange the prior art configuration.

Schoess teaches providing an amplifier (30) directly after the transducer (24) as shown in Fig. 7. Thus, Schoess teaches using the amplified signal for supplying the Power Control Module and the Signal Conditioning Module, so that also the supply signal is amplified. Schoess does not disclose or suggest not to amplify the supply signal.

According to Applicants invention the amplifier is positioned after the filter for signal separation to amplify the evaluation signal and not the supply signal.

The following is a quotation from MPEP 2143 (section V)

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.

The following is a quotation from MPEP 2143 (section VI)

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.

Applicants' claimed invention discloses a special position of the filter and of the amplifier, and these positions are not disclosed or suggested by Schoess. Therefore, Applicants respectfully request that the Examiner withdraw the Section 103 rejections.

Serial No. 10/559,369
Atty. Doc. No. 2003P07168WOUS

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicants respectfully request that the Examiner reconsider the objections and rejections and now pass the application to allowance. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper.

The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 11/11/08

By: 

John P. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830